

Notice of Allowability

Application No.

10/029,662

Examiner

Raj K. Jain

Applicant(s)

CHONG, RAYMOND L.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/12/06.
2. ☒ The allowed claim(s) is/are 9-18, 20,21,23-32, 34-36, 38-48, 50-58, 61-68 renumbered 1-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William Zahrt (408) 738-0592 on 27 July 2006.

Amend claims 9-11, 15-18, 20,21,23-25,29-35 and 38 as follows;

Claim 9 lines 2 and 4 replace "adapted" with "configured".

Claim 10 line 2 replace "adapted" with "configured".

Claim 11 line 4 replace "adapted" with "configured".

Claim 15 line 2 replace "adapted" with "configured".

Claim 16 line 2 replace "adapted" with "configured".

Claim 17 line 2 replace "adapted" with "configured".

Claim 18 line 2 replace "adapted" with "configured".

Claim 20 lines 2 and 4 on page 3 replace "adapted" with "configured", and in line 6 page 4 replace "adapted" with "configured".

Claim 21 line 2 replace "adapted" with "configured".

Claim 23 line 7 on page 4 replace "adapted" with "configured", and in line 4 page 45 replace "adapted" with "configured".

Claim 24 line 2 replace "adapted" with "configured".

Claim 25 line 4 replace "adapted" with "configured".

Claim 29 line 1 page 6 replace "adapted" with "configured".

Claim 30 line 4 replace "adapted" with "configured".

Claim 31 line 4 replace "adapted" with "configured".

Claim 32 line 3 replace "adapted" with "configured".

Claim 34 line 4 replace "adapted" with "configured".

Claim 35 line 7 on page 6 replace "adapted" with "configured", and in line 1 and line 11 on page 7 replace "adapted" with "configured".

Claim 38 line 2 replace "adapted" with "configured".

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 9, 20, 23, 35, 39, 52, and 61 are allowed. The prior art a remote testing unit (RTU) comprising logic circuitry for testing customer premises equipment containing a Digital subscriber line (DSL). (DSLM).

The prior art however fails to disclose the RTU having logic circuitry adapted to "emulate" a central DSLM for testing of customer premises equipment and further adapted to test an ISO layer connected to the DSLM and from which the ISO layer is selected from the group consisting of a network layer, transport layer, a session layer, a presentation layer and an application layer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

RJ
August 1, 2006


CHI PHAM
SUPERVISORY PATENT EXAMINER 8/1/06